Two of Three Judges Rule Against Grounds

Sommers, Gray Appeal Lost

VANCOUVER (CP)—Robert Sommers and H. Wilson Gray have lost their appeal against conviction on bribery and conspiracy charges arising from incidents during 1953 and 1954 when Sommers was British Columbia lands and forests minister.

Mr. Justice H. I. Bird, who headed the three-judge appeal court panel that heard four days of legal argument in Victoria last month, and Mr. Justice F. A. Sheppard ruled against all grounds of the appeal against conviction.

Mr. Justice H. W. Davey upheld two counts of the appeal and said the conviction should be quashed.

Sommers, 48, was convicted of accepting bribes from Gray, 46-year-old Vancouver timber executive convicted of paying off the former minister for favorable treatment toward certain companies in connection with issuance of forest-management licences.

The defence among other points contended the trial was a miscarriage because amendments to the indictment had been made improperly.

The charges originally were laid under the new Criminal Code, which became effective in April, 1955, but were switched during the lengthy trial to the old Criminal Code because the offences occurred before the old code was repealed.

The old code contained a two-year limitation on the start of prosecution of bribery charges.

Mr. Justice Sheppard, with concurence from Mr. Justice Bird, said this limitation could not be applied to the case because the old code was repealed before the limitations section could have been brought into use.

"It is to be observed that this is not a case in which the limitation period expired before repeal so as to have vested a right of defence," he said.

Justices Bird and Sheppard also agreed that the word "official" could be applied to a minister of the Crown in Section 158 of the old code, under which the charges were tried.

They said it is to be assumed that parliament used the word "official" in its ordinary meaning, which would include a cabinet minister unless stated definitely otherwise.

Justices Bird and Sheppard rejected the defence argument against amendments to the indictments. Mr. Justice Bird said there had been no objection during the trial and that all counsel had agreed that the court had jurisdiction to make amendments as necessary in switching the indictment from the new to the old Criminal Code.

Mr. Justice Davey said the conviction should have been quashed on two grounds — the limitations had run out and "official" could not be applied to a minister under Section 158.

He said the limitations should hold because the new code does not say that "a prosecution may be launched under the new code when it could not have been launched under the repealed code."

The word "official" could be applied to a minister in its ordinary sense, but not under the section under which the charges were pressed.

Section 158 of the old code had set maximum penalties as one year in prison and fine not exceeding $1,000, and this was "quite insufficient for corruption in a higher officer of state.

Two other sections of the code prescribed maximum sentences of 14 years for bribery of judges or members of Parliament or a legislature and of law enforcement officers.

"The light punishment prescribed for an offence under Section 158 compared with the severe punishment for bribery of a member of Parliament or a legislature, an offence of no greater gravity, convinced me that Section 158 does not include bribery of a minister of the Crown."

Mr. Justice Davey also rejected a suggestion that the conviction could be upheld on the basis of common law. The entire trial had proceeded under statute law and no word of common law had arisen until the end of the appeal hearing when it was raised by special prosecutor Victor Dryer.

* * *

ROBERT SOMMERS

Crazy Kidnapper Surrenders After Wild Ride with Hostages

LOGAN, W. Va. (AP) — Richard Arlen Payne, a riot gun trained on him, threw down a pistol Thursday and surrendered himself and a mother and three children he had kidnapped.

Capture of the crazed ex-convict, marked by gunfire, ended an all-out 20-hour search through southern West Virginia hills that began in South Charleston.

Mrs. Elma Baldwin, 29 and her children, Susan, 5, Danny, 7, and Kenneth, 10, were unharmed.

More than 75 state police, aided by helicopters, had been pressed into the hunt, spurred by a warning letter left at the Baldwin home, threatening to torture the hostages.

Payne had stopped the car a moment before, prepared to make a last-ditch fight, but changed his mind and threw down his revolver.

The 23-year-old former convict had kidnapped Mrs. Baldwin and the three children, leaving Mrs. Baldwin's husband trussed up in their home.

State police had described the ex-convict as an "extremely dangerous mental case."

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Your Health Department

Man Defeats Rats After Long Battle

This is another article of public interest prepared for The Daily Colonist by the Victoria-Esquimalt Health Department.

For the first time in the long struggle between rats and man it would appear safe to say that rats can be as completely controlled as is smallpox, typhoid and so many other serious public health hazards.

Within the memory of some people still alive there was a time when smallpox was accepted as a necessary evil, when the population was for the most part pock marked just as our cities now are pock marked with rat holes.

The time is now in sight when rat infestations, like smallpox, will be nothing but an unpleasant memory. Sanitary science is now winning a struggle that has been going on for many centuries and Victoria can claim to be one of the first cities to prove that a municipal rodent control service is effective.

PUBLIC SERVICE

The Health Department of the Victoria-Esquimalt area has been actively eliminating rats wherever reported as a free public service. The most modern rodenticides have been used and the results are passing all expectations. When the program was started some 20 years ago Victoria, like every seaport was heavily infested. The health department, like everyone else, took it for granted that rats were a necessary evil—that they would always be with us—that the best that could be hoped for was good control.

This realistic attitude was based on the knowledge that rats are clever. They get to know when their existence is threatened and take defencive action. If a poison is hurting them they don't go back to it and somehow they warn others of the danger. If cats or dogs are after them they seek safer harborage. If their food supply is removed they change their eating habits and start consuming bulbs, acorns or other vegetation or they move on to locations where food is plentiful.

WEAKER AND WEAKER

However, since the Victoria-Esquimalt Health Department started its war on rats a new weapon has become available. This is "Warfarin" the anti-coagulant rodenticide that rats come back and back and back to, getting weaker and weaker until they finally go to sleep. This is a painless death and, for those people who do not like to cause suffering, even to rats, it will be some consolation to know that when rats finally pass from the scene they will not go in pain.

Rats can now be eliminated from any given location. It follows that with perfect reporting rats can be eliminated from any city. But how to get perfect reporting—that is the problem. If every one knew the history of rat borne disease — if every person knew the economic loss due to rats—if every person could see a rat dissected exposing the cysts and tapeworms—if one could count the fleas hiding in its fur — then there wouldn't be any trouble about reporting.

This is an appeal to every citizen in Victoria and Esquimalt. If you know the exact location of a rat infestation telephone EV 4-5421 and give the health department the information — the sanitary inspector will do the rest.

The first method of color photography was used in the United States as early as 1892.

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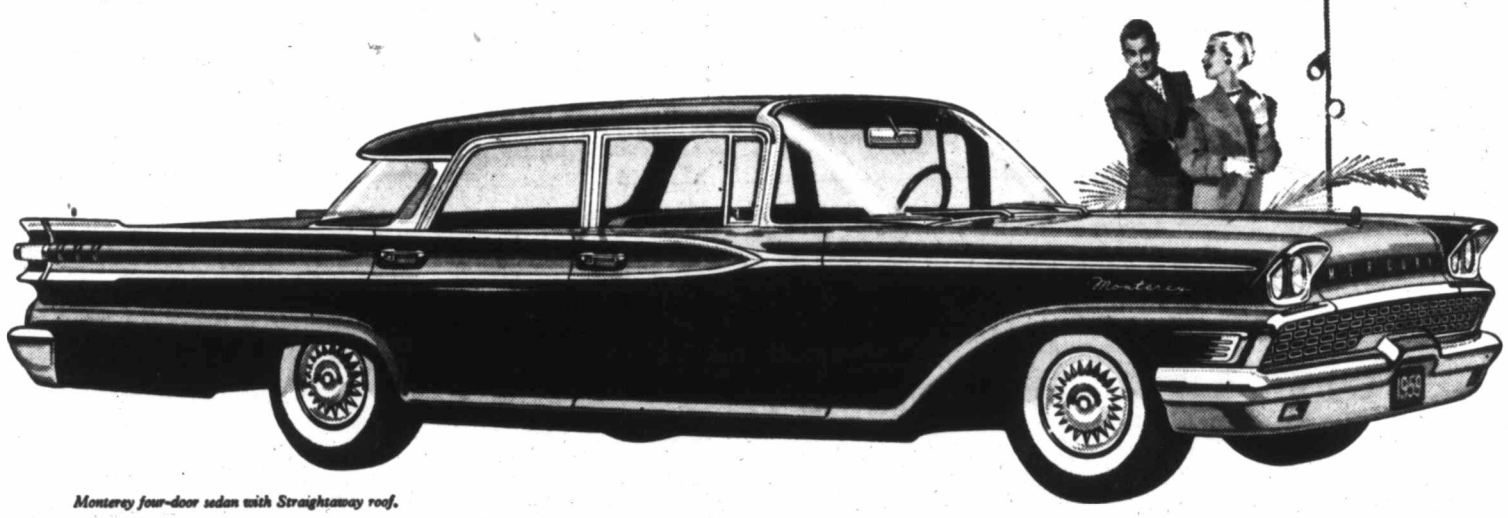

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Look, too, at the 20th anniversary Mercury styling. This Mercury is the lowest-priced sedan, though it looks like a hardtop. In every measure of a car, you can't beat the beautiful Mercury. It goes on giving value plus prestige: *important* differences like Mercury's safer, self-adjusting brakes . . . an aluminized muffler that lasts twice as long . . . and Super-Enamel finish standard on all models.

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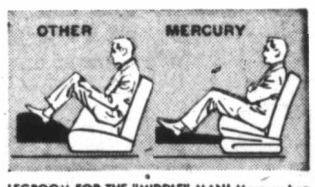

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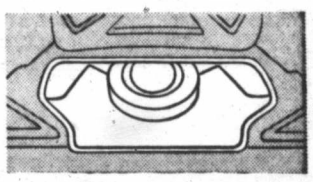

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